



## MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

**MONDAY, SEPTEMBER 13, 2021**

### **LAND USE HEARING**

The Board of County Commissioners met at 3:00 p.m., with Don Threewitt, Principal Planner. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were Michael Whitley, Community Development; Lesli Ellis, Community Development Director; Stephen Rothwell, Connor Sheldon and Devon Traff, Engineering; Frank Haug, County Attorney; Lea Schneider, Health and Environment via teleconference; Kelly Bryant, Clerk and Recorder Office and Deirdre O'Neill, Deputy Clerk.

Commissioner Kefalas opened the meeting with the Pledge of Allegiance.

### **CONSENT AGENDA**

Commissioner Kefalas noted that item number eight, GBU ENTERPRISES LLC, APPEAL, FILE NO 21-ZONE2979 has been tabled to a date to be determined.

**1. WILLIS FARMS SUBDIVISION LOTS 1-13 AMENDED PLAT, FILE NO.21-LAND4165:** This is a request to amend section 4-2c of the Development Agreement to allow sanitary connections to outbuildings where previously not allowed.

This amended plat is regarding the entirety (Lots 1-13) of the Willis Farms Subdivision. The purpose of this amended plat is to amend section 4-2c of the Development Agreement to state: The footprint for the accessory structures can be no larger than 2000-square feet. Domestic sanitary service may be extended from the accessory structures as approved by the Health Department. The accessory structures are permitted to be habitable for non-income producing purposes including bathrooms, kitchens, lavatories, and sleeping areas with appropriate review and approval processes through Larimer County. Covenants will provide the authority of the Architectural Review Committee to review construction plans for any barn. The Architectural Review Committee will have the authority to deny approval of plans they find in violation of said covenants and forward such notice to the corresponding Larimer County reviewing agencies.

The original Development Agreement does not allow for sanitary connections to any outbuildings. Changing this clause will allow habitable space in any accessory structures on all 13-lots in the Willis subdivision. Appropriate building permits or planning approval will still be required.

#### REVIEW CRITERIA

- A. No additional lots will be created by the amended plat.
- B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by subsection 8.14.1.H. If any of the lots are nonconforming with respect to the minimum lot size of the lot dimension ratio, the amended plat must not increase the nonconformity.
- C. The amended plat will not create a nonconforming setback for any existing building.
- D. The resultant lots will meet the requirements of subsection 8.14.1.I. Lots cannot be divided by a municipal or county boundary line, road, alley, or another lot.
- E. The amended plat will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area.
- F. Any covenants, deed restrictions or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the final plat, except those changes to a condition or note on a plat that approved with this application. The County Commissioners shall consider the original reason or circumstance for a condition or note on a plat when approving a change.

#### DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Willis Farms subdivision lots 1-13 amended plat, File #21-LAND4165, with the following conditions:

- 1. All conditions of approval shall be met, and the final plat recorded by March 13, 2022, or this approval shall be null and void.
- 2. The lots are subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the Willis subdivision.

**2. CHANDLER REZONING, FILE NO.21ZONE2971:** This is a request to rezone part of lot 1, block7, Glen Haven subdivision from CD-Commercial Destination to RR2-Rural Residential.

The applicants request to rezone a parcel located at 172 Crosier Mountain Trail from CD – Commercial Destination to RR2 – Rural Residential. On June 28, 2021, the Board of County Commissioners approved a lot consolidation, which resulted in a split-zoned parcel. The eastern portion of the consolidated lot is currently zoned RR2 – Rural Residential and the western portion of the lot is currently zoned CD – Commercial Destination. The applicants are requesting to rezone the

entire property to RR2-Rural Residential so that the entire property can be used for residential purposes.

The property is located at the dead end of Crosier Mountain Trail in Glen Haven, Colorado. Property is located directly east of the business district of Glen Haven. All other properties in the surrounding area are either developed with single family residential uses or are vacant. The property is located on top of a steep ridge and the North Fork of the Big Thompson River flows to the east, north, and west.

Before the parcels were combined, each parcel contained a cabin. According to the applicants, the cabin on the western portion of the combined lot contains a 25-foot by 10-foot cabin built in 1930 and the eastern portion of the combined lot contains a 23-foot by 15-foot cabin built in 1920. The applicants are proposing to remove the cabin located on the eastern portion of the lot and construct a new dwelling in the same general location. The applicants indicated that future plans may include restoring the other cabin, which would require an appropriate Larimer County Planning process.

As part of the Larimer County Land Use Code that was adopted on March 31, 2021, an incentivized rezoning process was introduced, which allows applicants to remedy split-zoned parcels as well as to allow for rezoning that will result in conformance with the Framework Map from the Larimer County Comprehensive Plan. This process does not require a neighborhood meeting or Sketch Plan review. This proposal, which remedies a split-zoned parcel was eligible for this incentivized rezoning process.

#### DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team has no items of concern and concludes the requested rezone to RR2-Rural Residential complies with the Land Use Code requirements and objectives and the applicable review criteria.

**3. INDUSTRIAL BUSINESS PARK INTERNATIONAL LOTS 1 AND 2 LC AND APPEAL, FILE NO.21-LAND4108:** This is lot consolidation request to combine two existing contiguous legal lots, lots 1 and 2, block 1 of the previous amended plats of the Industrial Business Park International PUD with and appeal to the lot width to depth dimension ratio.

The applicant requests a lot consolidation to combine two contiguous legal lots in the Industrial Business Park International PUD to create one 2.66-acre lot. The properties are located at the northwest corner of Zurich Drive and Mexico Way, and they are zoned IL-Light Industrial. The minimum lot size in this zoning district is 15,000-square feet. The lots are currently 1.51 and 1.15-acres. This lot consolidation would result in one 2.66-acre parcel. Because the resultant lot does not comply with the maximum lot width-to-depth ratio of 1.5:1 required by Article 5.2.1.A.7 of the Land Use Code, an appeal to that standard is required.

The lots are currently vacant, but the owner has a concurrent Site Plan under review for one new commercial building. Site Plan Review is an administrative process. There are currently no specific tenants being solicited, but any future uses would need to meet the requirements of the IL- Industrial Light zoning district.

## REVIEW CRITERIA

The Larimer County Land Use Code (Article 6.5.7.D) allows for the approval of a lot consolidation if the following review criteria are met:

- A. No additional lots will be created by the lot consolidation.
- B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by article 5.2. If any of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, this must not increase the nonconformity.
- C. The lot consolidation will not create a nonconforming setback for any existing building.
- D. The resultant lots will meet the requirements of subsection 8.14.1.I. Lots cannot be divided by a municipal or county boundary line, road, alley, or another lot.
- E. The amended plat will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area.
- F. Any covenants, deed restrictions or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the final plat, except those changes to a condition or note on a plat that are approved with this application.

## DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Lot Consolidation of lots 1 and 2, block 1, amended envelope D, Industrial Business Park International PUD and lots 1-2, of amended envelope B and C, and lots 1-5, of amended lots 5-9, Industrial Park International PUD and appeal to the lot width-depth dimension ratio, File #21-LAND4108 subject to the following conditions:

- 1. All conditions of approval shall be met and the final resolution of the County Commissioners recorded by March 13, 2022, or this approval shall be null and void.
- 2. The resultant lot is subject to any and all covenants, deed restrictions or other conditions that apply to the original lots in the subdivision.
- 3. Any future uses on the consolidated lot shall obtain approval through the applicable review procedure as established in the Larimer County Land Use Code prior to commencement of the use.
- 4. The Findings and Resolution shall be a servitude running with the property. Those owners of the property or any portion of the property who obtain title subsequent to the date of recording of the findings and resolution, their heirs, successors, assigns or transferees, and persons holding under applicants shall comply with the terms and conditions of this lot consolidation approval.

5. The reconfiguration of the lot lines shall be finalized at such time when the Findings and Resolution of the County Commissioners is recorded.

4. **AMENDED PLAT OF TRACT A, JOHN W. SWETS FARM CORP. EXEMPTION PLAT AND CWH PROPERTIES, LLC BOUNDARY LINE ADJUSTMENT', FILE NO.21-LAND4085:** This is a request of an amended plat and boundary line adjustment to adjust the lines between four parcels-one exemption lot and three metes and bounds parcels.

This combined Amended Plat and Boundary Line Adjustment is regarding Tract A of the John W. Swets Farm Corp. Exemption Plat and three metes and bounds parcels to the west and south. The purpose of this amended plat/boundary line adjustment is to adjust the lots lines between the four adjacent parcels to resize them so that the resultant thee lots are all larger than 35-acred in size and then annex the properties into the Town of Timnath. The parcels are located within the Town of Timnath's Growth Management Area. The proposed amended plat and boundary line adjustment also includes the location of future right-of-way extending Weitzel Street through the lots to County Road.

The amended plat process is required when the property lines of an approved land division are amended, and the Boundary Line Adjustment process is used to adjust the property lines of a metes and bounds parcel. The Board of County Commissioners approves amendments to approved exemption lots. The Boundary Line Adjustment process is an administrative process. Since this plat involves both platted lots and a metes and bounds parcel, both the amended plat process and the Boundary Line Adjustment process are required.

#### REVIEW CRITERIA

The Larimer County Land Use Code (Section 5.7.3) allows for the approval of an amended plat if the following review criteria are met:

- A. No additional lots will be created by the amended plat.
- B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by subsequent 8.14.1.H. If any of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, the lot consolidation must not increase the nonconformity.
- C. The amended plat will not create a nonconforming setback for any existing building.
- D. The resultant lots will meet the requirements of subsection 8.14.1.I. Lots cannot be divided by a municipal or county boundary line, road, alley, or another lot.
- E. The amended plat will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area.

- F. Any covenants, deed restrictions or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the final plat, except those changes to a condition or note on a plat that are approved with this application. The County Commissioners shall consider the original reason or circumstance for a condition or note on a plat when approving a change.

#### DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the John W. Swets Farm Corporation Exemption Plat and CWH properties, LLC Boundary Line Adjustment, File #21-LAND4085, subject to the following conditions and authorization for the Chairman to sign the plat when the conditions are met, and the plat is presented for signature:

1. All conditions of approval shall be met, and the Final Plat recorded by March 13, 2022, this approval shall be null and void.
2. Prior to recordation of the Final Plat provide updated Ownership and Encumbrances. The plat must include signature blocks for all the property owners and lienholders. Include the typed names under the signature block.
3. The resultant lots are subject to any and all covenants, deed restrictions, or other conditions that apply to the original lot.

**5 ARNOLD AND MOYER ANNEXATION APPEAL, FILE NO.21-GNRL0512:** This is a request to have the Board of County Commissioners accept a determination of the City of Loveland to decline annexation of two parcels and allow a rezoning application to be processed by Larimer County.

The subject properties are at 508 & 512 8th Street SE, Loveland which is located south of 8th Street SE approximately 875 feet east of the intersection of 8th Street SE and S. Lincoln Avenue/US 287. Until recently, each parcel contained a single-family home. Those homes have been recently removed.

Collectively, the parcels are 3.0-acres, and they are zoned RR-2 – Rural Residential. The property owners would like to rezone the properties to PD – Planned Development and redevelop the site with commercial uses.

The properties are within the Loveland Growth Management Area and the larger of the two parcels is contiguous to City of Loveland municipal limits. Article 2.7.2.D.2 of the Land Use Code requires that the property owners seek annexation to the City of Loveland rather than apply through Larimer County to rezone the properties to Planned Development. City of Loveland Development Services staff has provided a letter stating that they are declining annexation of the properties because the property owners do not want to annex the parcels due to the timing and costs of annexation.

The revised Land Use Code that became effective on March 31, 2021, unintentionally did not carry over the criteria for appeals from the previous Land Use Code. Until a Code amendment can be approved to include the criteria, the criteria found in Section 22 of the previous Land Use Code will continue to be used to evaluate appeal requests.

If the proposed appeal is granted, the property owners may apply to rezone the property to PD – Planned Development without having to annex the property to the City of Loveland.

### **Appeal to Deviate from the Standards and Requirements**

When considering whether to approve an appeal to deviate from standards or requirements of this Code, other than minimum lot size requirements, the County Commissioners may grant the appeal subject to safeguards and conditions consistent with their findings concerning the following factors. The County Commissioners will consider each of the following factors and make findings pertaining to each one which, in their discretion, applies to the appeal:

- A. Approval of the appeal will not subvert the purpose of the standard or requirement.
- B. Approval of the appeal will not be detrimental to the public health, safety or property values in the neighborhood.
- C. Approval of the appeal is the minimum action necessary.
- D. Approval of the appeal will not result in increased costs to the general public
- E. Approval of the appeal is consistent with the intent and purpose of the code.

### **Development Service Team Findings**

The Development Services Team recommends approval of the Arnold & Moyer Annexation Appeal, File# 21-GNRL0512, subject to the following condition:

1. The property owner shall submit a signed Annexation Agreement to the City of Loveland if the rezoning is approved.

**6. CHOICE ORGANICS RETAIL MARIJUANA ESTABLISHMENT LICENSES TRANSFER OF CAPITAL STOCK AND CHANGE IN PRINCIPAL OFFICERS, FILE NO.13-G0257:** This is an approval of a Transfer of Capital Stock and Change in Principal Officers for a Retail Marijuana store license and a Retail Marijuana cultivation facility license.

Choice Organics, Inc. was issued a Retail Marijuana Store License and a Retail Marijuana Cultivation License in 2014 to operate within Units C & D of the building located at 813 Smithfield Drive, Fort Collins.

The property is located approximately 1,200 feet southwest of the intersection of Mulberry Street and I-25. The property is zoned CC – Corridor Commercial, is within the Fort Collins Growth Management Area and within the East Mulberry Corridor Plan area.

The site is 1.16-acres, and the existing building has a footprint of 8,400 square feet. Choice Organics received Special Review approval from the Board of County Commissioners on October 18, 2010, to operate a Medical Marijuana Dispensary & a Medical Marijuana Grow Operation within Units A & B of the building. Choice Organics, Inc. was formed in 2010 and Brian and Erica Freeman have been the sole owners of the company since its formation.

Section 14-209.b of the Larimer County Code reads, “Any proposed transfer of capital stock or any change in principal officers or directors of a corporation holding a license shall be reported to the administrator and approved by the board prior to such transfer or change.”

Brian and Erica Freeman have contracted to transfer 100% of their shares in Choice Organics, Inc. to DP Holdings, LLC which is owned by Alexander Levine, Andrew Levine, and Lisa Leder. Closing of the transaction is expressly contingent upon securing the approval of Larimer County. No changes to the location, physical composition, or structure of the facility are proposed.

The Special Review approval for the medical marijuana operations within Units A & B is independent of the retail marijuana licenses and is not affected by the transfer of capital stock or change in principal officers of Choice Organics, Inc.

According to a letter provided by DP Holdings, LLC’s attorney, DP Holdings is an arm of the Green Dragon Brand which hold approximately 25 marijuana licenses across several companies. The company is owned by Alexander Levine, Andrew Levine, and Lisa Leder.

According to information provided by the applicant’s attorney, the three owners have had no criminal arrests, have a history of compliance with all applicable state of local regulations with their other marijuana-related businesses, and otherwise comply with the criteria noted in Section 14-212 of the Larimer County Code.

The Colorado Department of Revenue Marijuana Enforcement Division completes criminal history record checks on retail marijuana owners and managers prior to issuing State store or employee licenses.

Nothing in the checks prevented the State of Colorado from issuing and then renewing the proposed purchaser’s existing State Marijuana Employee, Store, or Cultivation Facility licenses.

#### **Development Services Team Recommendation:**

The Development Services Team recommends approval of the transfer of capital stock and change in principal officers of the Choice Organics Botanicals Retail Marijuana Store License and Choice Organics Retail Marijuana Cultivation Facility License.

**7. LAKE KNOLLS SOUTH SUBDIVISION LOT 10, BLOCK 1 AND REPLAT OF BOEDECKER PARK SUBDIVISION, PORTION OF LOT 4 AMENDED PLAT, BOUNDARY LINE ADJUSTMENT, AND EASEMENT VACATION, FILE NO.21-LAND4151:** This is a request for an amended plat and boundary line adjustment to consolidate two parcels into one and relocate an existing 20-foot utility easement.

Parcel Number 9520310010 currently contains a single-family residence with an attached garage and two outbuildings. Parcel Number 9520415012 is currently vacant. One of the parcels is in the Lake Knolls South Subdivision and the other is an illegal metes-and-bounds parcel, a portion of lot 4, replat of the Boedecker Park Subdivision. Additionally, there is an existing 20-foot-wide utility easement located between the two parcels and is approximately 0.09 acres in size.

The property owner would like to combine the two parcels into one and vacate and relocate the existing utility easement to the east line of the consolidated lots. The process to combine lots in platted subdivisions and metes and bounds parcels is the combined amended plat and Boundary Line Adjustment. This application will also create one legal lot, resolving Parcel Number 9520415012's illegal lot status.

Both parcels are located in the UR-1 Urban Residential zone district. The consolidation of the two parcels into one will make the resulting parcel conforming to minimum lot size and will not create nonconforming setbacks of existing buildings.

### **Review Criteria**

The Larimer County Land Use Code allows for the approval of an amended plat if the following review criteria are met:

- A. No additional lots will be created by the amended plat.
- B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio by 5.2, lot and block standards. If any of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, the amended plat must not increase the nonconformity.
- C. The amended plat will not create a nonconforming setback for any existing building.
- D. The amended plat will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area
- E. Any covenants, deed restrictions or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the final plat, except those changes to a condition or note on a plat that are approved with this application.

## Development Services Team Recommendation

The Development Services Team recommends Approval of the Lake Knolls South Subdivision Lot 10, Block 1 and Replat of Boedecker Park Subdivision, Portion of Lot 4 Amended Plat, Boundary Line Adjustment, and Easement Vacation to combine two parcels into one and vacate and relocate an existing 20-foot utility easement, File #21-LAND4151, subject to the following condition(s):

1. All conditions of approval shall be met and the Final Plat recorded by March 13, 2022, or this approval shall be null and void.
  2. Prior to the recordation of the Final Plat, the applicant shall make any required corrections noted by the Larimer County Planning Department.
  3. The resultant lot is subject to any and all covenants, deed restrictions, or other conditions that apply to the original lots.
8. **GBU ENTERPRISES LLC, APPEAL, FILE NO 21-ZONE2979:** This is an appeal to article 4.4.5.A.3.b. of the Larimer County Land Use Code to allow a detached accessory living area to exceed the required size limit of 800-square feet.

This request is an appeal to Article 3.4.5.A.3.b. of the Land Use Code which limits the size of a detached accessory living area to “40% of the square footage in the single-family dwelling, excluding any garage or basement area, whether finished or not, or 800 square feet, whichever is less”.

The property is a 3.15-acre parcel located at 6820 Willow Vista Court, Loveland on the east side of the road approximately 0.1 miles east of the intersection of Willow Vista Court and W. County Road 20. The property contains an existing residence and two existing outbuildings, including a detached garage. The existing residence was constructed in 2016 and is 4,117 square feet which consists of a first floor of 1,467 square feet, a second floor of 1,183 square feet, and a finished basement of 1,467 square feet. The detached garage is approximately 1,560 square feet and was first permitted in 1987, with an addition permitted in 2014. In 2012, the previous owner made attempts to convert a portion of the detached garage to be used as an accessory living area. However, planning approval was never granted because HOA covenants did not allow accessory living areas. Since that time, the HOA revised their covenants to allow accessory living areas. The current owner is in the process of trying to gain approval for the accessory living area, which will be located within the detached garage, consisting of a total size of 884 square feet.

As noted above, the square footage of the detached accessory living area is limited to 40% of the primary residence not including the finished basement, or 800 square feet, whichever is less. The single-family dwelling is 2,650 square feet, not including the finished basement. Forty percent of the single-family home, excluding the basement, is 1,060 square feet. Based on the square footage of the single-family dwelling, an accessory living area could not exceed 800 square feet. As proposed, the detached accessory living area exceeds the 800 square foot limitation. The existing accessory dwelling

unit is 884 square feet, approximately 33% of the square footage of the single-family dwelling and exceeding the 800 square foot limit by 84 square feet.

The applicant's project description indicates that the accessory living area will be occupied by visiting family members on occasion and/or a family member with health conditions on a full- time basis.

The property owner submitted an Administrative Special Review application and size appeal. If the size appeal is granted by the Board of County Commissioners, the Administrative Special Review can be approved administratively by the Community Development Director.

Both dwellings will share the existing access point off Willow Vista Court. Adequate parking for the accessory living area is provided in the portion of the structure that contains a detached garage and in the existing driveway in front of the detached garage.

### **Review Criteria**

When considering whether to approve an appeal to deviate from standards or requirements of this Code, other than minimum lot size requirements, the County Commissioners may grant the appeal subject to safeguards and conditions consistent with their findings concerning the following review criteria. The County Commissioners will consider each of the following factors and make findings pertaining to each one which, in their discretion, applies to the appeal:

- A. Approval of the appeal will not subvert the purpose of the standard or requirement.
- B. Approval of the appeal will not be detrimental to the public health, safety or property values in the neighborhood
- C. Approval of the appeal is the minimum action necessary
- D. Approval of the appeal will not result in increased costs to the general public.
- E. Approval of the appeal is consistent with the intent and purpose of the code.

### **Development Service Team Recommendation**

The Development Services Team recommends Approval of the GBU Enterprises, LLC Appeal, File No. 21-ZONE2979 with the following conditions:

1. The Accessory Living Area shall be located as shown on the approved site plan.
2. The use of the addition to the single-family dwelling as an Accessory Living Area must be approved through the Administrative Special Review process.

The Development Services Team notes that if the proposed appeal is approved, additional conditions will be placed on the Administrative Special Review approval including meeting all

development standards, the need for obtaining all applicable permits, and an expiration of the Administrative Special Review approval.

## **MOTION**

Commissioner Shadduck-McNally moved to approve the remaining items 1-7 items on the consent agenda subject to conditions in the staff report and further move to authorize the Chair to sign the Findings and Resolutions.

**Motion carried 3-0**

With there being no further business, the Board adjourned at 3:10 p.m.

**TUESDAY, SEPTEMBER 14, 2021**

## **ADMINISTRATIVE MATTERS MEETING**

The Board of County Commissioners met at 9:00 a.m. with Linda Hoffmann, County Manager. Commissioner Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were Austin Harvill, Commissioners' Office, and Deirdre O'Neill, Deputy Clerk.

Commissioner Kefalas opened the meeting with the Pledge of Allegiance.

1. **PUBLIC COMMENT:** There was no public comment for today's meeting.
2. **APPROVAL OF THE MINUTES FOR THE WEEK OF SEPTEMBER 6, 2021:**

## **MOTION**

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the week of September 6, 2021.

**Motion carried 3-0**

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF SEPTEMBER 20, 2021:** Mr. Harvill reviewed the upcoming schedule with the Board.

4. **CONSENT AGENDA:**

## **AGREEMENTS:**

1. **CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND LIVE THE VICTORY, INC. DBA THE MATTHEWS HOUSE**
2. **CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND JACOB FAMILY SERVICES INC. DBA THE JACOB CENTER**

3. **AMENDMENT ONE TO THE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND MAPLE STAR COLORADO**

4. **NOTICE OF GRANT AND AGREEMENT AWARD, NATURAL RESOURCES CONSERVATION SERVICE**

5. **GUARANTEED MAXIMUM PRICE CONTRACT WITH HASELDEN CONSTRUCTION-BEHAVIOR HEALTH CAPITAL PROJECT**

6. **AMENDMENT TO THE DEVELOPMENT AGREEMENT OF HORIZON HILLS, LLC SITE PLAN**

7. **AGREEMENT FOR REAL ESTATE PURCHASE- 224 WEST CANYON AVE #624**

#### **APPOINTMENTS**

1 **RECOMMENDED MID-TERM APPOINTMENT TO THE BOXELDER STORMWATER AUTHORITY- THERESA CONNOR**

**LIQUOR LICENSE:** ETALEM INC. DBA BRANDING IRON LIQUOR-RETAIL LIQUOR STORE-FORT COLLINS; LA ESPERANZA LLC DBA HACIENDA REAL-HOTEL AND RESTAURANT-FORT COLLINS; G2G LEGACY LLC DBA MASONVILLE MERCANTILE-TRANSFER OF OWNERSHIP-LOVELAND

#### **RESOLUTION**

1. **RESOLUTION ESTABLISHING COMPENSATION FOR INVESTIGATOR DISTRICT ATTORNEY**

#### **MOTION**

Commissioner Stephens moved that the Board of County Commissioners approve the Consent Agenda for September 14, 2021.

**Motion carried 3-0**

5. **COMMISSIONERS GUESTS:** The Commissioners introduced Angela Myers, Larimer County Clerk and Recorder. Clerk Myers gave a brief update to the Board on the upcoming election as well as thanking them for their support for an additional 5 FTE for the Vehicle Licensing Processing Center. Clerk Myers announced that a 2021 sample ballot is available at [votelarimer.org](http://votelarimer.org). This election will be conducted as a mail ballot election. A mail-in ballot, return envelope, and voting instructions will be mailed during the week of October 11, 2021, to every registered voter in Larimer County. There are 23-ballot drop off locations, because of this there will not be a drop off at grocery stores.

All locations are listed at [votelarimer.org](http://votelarimer.org). Clerk Myers reminded all registered voters to vote as there are many state-wide and local measures on the ballot.

The Commissioners each thanked Clerk Myers for her hard work and had questions on the Loveland ballot boxes.

**6. APPROVAL OF ADJUSTMENT IN NATURAL RESOURCES USER FEES AND ADDITION OF A NEW FEE:** Daylan Figgs, Natural Resources Director stated that per discussion at the September 3, 2021, work session and at the September 14, 2021, Administrative Matters hearing, Natural Resources is seeking Board approval on proposed user fee adjustments in addition to adding a new fee at Devil's Backbone Open Space south trailhead.

Mr. Figgs explained that Natural Resources is seeking Board approval on proposed user fee adjustments in addition to adding a new fee at Devil's Backbone Open Space south trailhead. Adjusting user fees will provide a similar level of recreation experience our citizens currently enjoy and expect. The proposed adjustment will also help meet demands for capital improvement and for costs associated with inflation, high visitation/ recreation demand, and anticipated population growth in northern Colorado. These adjustments also include an approximate 10% increase in rates for day use permits, annual permits, and camping, a new Veteran's combo (boat) permit and a new non-resident day use permit. Disabled and low-income permits incur no increase.

Mr. Figgs went over the survey results stating that 93% of respondents support Larimer County maintaining the current level of service by adding more conserved land, trails, and parking. In addition, the survey results also show 77% of respondents support Larimer County initiating a user fee at the Devil's Backbone to help offset management costs at this high use open space.

The Commissioners each thanked Mr. Figgs and his team for all their work and for explaining the proposed changes. The Commissioners believe the fees are equitable and in-line with increased rates.

## **MOTION**

Commissioner Stephens moved to support the proposed fee adjustments for Larimer County Natural Resources properties effective January 1, 2022.

**8. SMALL BUSINESS DEVELOPMENT CENTER UPDATE AND FUNDING REQUEST:** The Larimer Small Business Development Center (SBDC) is a key partner with Larimer County Economic and Workforce Development Department. The SBDC provided critical business support and training to new start-up companies and existing firms throughout Larimer County.

Jacob Castillo, Economic and Workforce Development Director, introduced Mike O'Connell, Larimer County SBDC Senior Director. Mr. O'Connell stated that the SBDC helps local businesses start, grow, and prosper through street-smart business education and assistance. They offer free confidential counseling, classes, and workshops and COVID recovery resources such as Payroll Protection Program (PPP) and the Restaurant Revitalization Fund.

Mr. O'Connell also showed a PowerPoint presentation with testimonials as well as economic impacts and his 2021 SBDC focus.

More than half of Americans either own or work for a small business, and they create about two out of every three new jobs in the U.S. each year. In Larimer County, businesses that employ fewer than 50-persons account for the majority of the total private establishments.

The Commissioners each thanked Mr. O'Connell and his staff as well as Mr. Castillo for their collaborative efforts to help small businesses as they are the backbone of America. They thanked Mr. O'Connell for his years of service as he is looking toward retirement at the end of 2021.

## **MOTION**

Commissioner Shadduck-McNally moved to approve \$20,000 from the Economic Development Partnership Fund and an additional \$10,000 from the American Rescue Plan Act Fund.

### **Motion carried 3-0**

9. **SMALL BUSINESS WEEK PROCLAMATION:** Approve and present a Proclamation declaring September 12 through September 18, 2021, as "National Small Business Week" in Larimer County and recognize and thank the network of professionals who support small businesses in Larimer County.

Commissioner Stephens read the proclamation announcing that Larimer County recognizes and values the dedication and entrepreneurial spirit of small businesses that keep Larimer County, our region and state recovering and growing stronger, and observes September 12-September 18, 2021, as Small Business week. The county works collaboratively with the network of Small Business Development Centers, Chambers of Commerce, cities and towns and other business-serving organizations to forward the mission of helping our businesses recover, grow, and create new jobs within Larimer County.

## **MOTION**

Commissioner Stephens moved to proclaim September 12 through September 18, 2021, as National Small Business Week in Larimer County.

### **Motion carried 3-0**

10. **PROCLAMATION HONORING HEALTHCARE WORKERS SUPPORTING OUR COMMUNITY:** Commissioner Shadduck-McNally read the proclamation affirming that there are over 18,000 health care providers including all levels of staffing-from the housekeeping, janitorial, and support staff to the doctors, physician assistants, nurses, and respiratory therapists at each hospital and medical clinic, every healthcare and congregate care center, and every emergency medical response team living and/or working in Larimer County. Their responsibility, dedication, and fortitude of those devoted individuals to continue providing services including direct care, viral testing, vaccination, and other vital health care services to the people of Larimer County in the face of danger of uncertainty serves as an inspiration to all.

The COVID-19 public health emergency has taken an exceptional toll on healthcare providers. They continue to provide exceptional care to patients and show resilience despite exhaustion and the potential risk to themselves.

The Commissioners each thanked all members of health care providers for their continued extraordinary efforts and reminded everyone to get vaccinated and to wear masks to combat this virus.

## **M O T I O N**

Commissioner Shaddock-McNally moved to proclaim September 14, 2021, as a day to honor healthcare workers supporting our community.

### **Motion carried 3-0**

The Commissioners took a brief pause for a photo with the recipients.

The Board returned to session.

**11. COUNTY MANAGER UPDATE:** Manager Hoffmann updated the Board on this week's coordination meetings and upcoming projects and activities.

**12. COMMISSIONER ACTIVITY REPORTS:** The Board detailed their attendance at events during the previous week.

**13. LEGAL MATTERS:** None requested

With there being no further business, the Board adjourned at 11:00 a.m.

## EXECUTIVE SESSION

The Board of County Commissioners met with staff at 11:00 a.m. to enter into executive session pursuant to C.R.S 24-6-402(40)(d).

### MOTION

Commissioner Stephens moved that the Board enter into Executive Session 24-6-402(4)(d), Specialized details of security arrangements or investigations.

**Motion carried 3-0**

The Board adjourned at 11:10 a.m.

  
JOHN KEFALAS  
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS  
CLERK AND RECORDER

ATTEST:

  
Deirdre O'Neill, Deputy Clerk



